

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

)	
In the Matter of)	
)	
Telecommunications Relay Services,)	CC Docket No. 03-123
and Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	
Disabilities)	
)	

ULTRATEC, INC. COMMENTS ON PETITION FOR RULEMAKING
FOR A MANDATE FOR CAPTIONED TELEPHONE RELAY SERVICE

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Summary

In response to the petition to mandate captioned telephone relay service filed by thirty-three deaf and hard of hearing organizations in October, 2005, hundreds of individuals have come forward with compelling stories that illustrate the extraordinarily positive impact that captioned telephone service has had on their independence, self-confidence, job performance, and sense of safety and security. But for every person that has written in to report on captioned telephone's remarkable benefits, there have been others who have written in to complain of their denial of these services. All consumers who have commented have implored the FCC to mandate captioned telephone relay service nationwide.

Title IV of the Americans with Disabilities Act was intended to make functionally equivalent relay services uniformly available to all Americans. Ultratec applauds those states that have gone out of their way to find the necessary funding to provide this service for their residents. However, without a mandate, captioned telephone relay service will remain a discretionary state service, without sufficient funding needed to meet the needs of its potential users. The resultant limitations placed on this service will continue to negatively affect its size and efficiency and will significantly limit those who can benefit. Moreover, without a stable source of funding – that will only be made possible if a mandate is put in place – TRS providers will lack the incentives they need to invest in new platform infrastructures

and workstations that are required to support a universal captioned telephone service. In other words, without a mandate and a stable source of funding, states and TRS providers will remain without the ability to make this service available nationwide. Conversely, a captioned telephone service mandate will stimulate innovation, increase choices and variety, and encourage competition.

Because captioned telephone calls are transparent, utilize automated call set-up procedures, and transmit communications at the speed of voice rather than text, captioned telephone service is economical and efficient, saving both time and money for relay providers and their users. The current cost per minute for captioned telephone service is comparable to the average rates paid for traditional TRS, despite the traditional service's twenty-five year history of development and the economies of scale associated with this service. Nothing in the history of captioned telephone service suggests that its charges have ever or will ever be unreasonable; indeed FCC rules would not permit this to occur. Additionally, the price of captioned telephone devices have been kept down, and will likely decrease even further if a mandate accelerates demand for their production and acquisition.

In the event that the deployment of captioned telephone relay service is mandated nationwide, Ultratec will be capable of supporting the increased demand for both the service and the captioned telephone devices needed to access this service. Expanded software and multi-center service delivery

platforms needed to support multiple call centers are expected to be in place in the spring of 2006.

Ultratec has accompanied these reply comments with a request for an expedited declaratory ruling that Internet protocol (IP) captioned telephone relay service is a telecommunications relay service eligible for reimbursement from the Interstate TRS Fund. However, even if the FCC approves IP captioned telephone relay service, a nationwide mandate for these relay services over the PSTN will still be necessary, first because many potential captioned telephone users are older Americans who may not have the inclination or resources to use computers or other Internet-enabled devices, and second, because if states ultimately have to share in the funding of Internet-based services, they may remain unable to secure necessary funding to provide these relay services without a mandate.

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I. Introduction

On October 31, 2005, Self Help for Hard of Hearing People, Inc., along with 32 other organizations (“Petitioners”),¹ filed a petition (“Petition”) requesting the FCC to initiate a rulemaking proceeding for the purpose of mandating captioned telephone relay service and authorizing Interstate reimbursement for captioned telephone relay service provided over Internet Protocol (IP). Ultratec endorses the Petitioners’ request for a prompt rulemaking to mandate captioned telephone relay service, and as described below, has taken steps to prepare for the anticipated increase in demand for this service and its associated equipment, should a mandate be implemented. It is Ultratec’s understanding, however, that Petitioners will be amending

¹ Although the FCC’s public notice releasing the petition for public comment notes that the Petition was filed by 13 organizations (DA 05-2961), in fact two of these entities were coalitions, each representing several additional organizations. In total, 33 organizations representing the interests of people who are deaf and hard of hearing signed the petition. See Petition, n. 21-22. Since filing the petition, SHHH, the lead petitioner, has changed its name to the Hearing Loss Association of America.

their pleading to request an expedited declaratory ruling approving IP captioned telephone relay service (rather than achieve this result through a protracted rulemaking proceeding). Ultratec, too, believes that the Commission's past orders authorizing captioned telephone and Internet-based relay make the issuance of a declaratory ruling on Internet-based captioned telephone appropriate at this time. Accordingly, while the comments herein respond to that portion of the Petition that requests a captioned telephone mandate, Ultratec similarly accompanies this pleading with a request for an expedited declaratory ruling that IP captioned telephone is a relay service eligible for reimbursement from the Interstate TRS Fund.

II. Background

The Petition under review follows two FCC orders approving the delivery of captioned telephone service. First, in a Declaratory Order released on August 1, 2003, the FCC ruled that single line captioned telephone was eligible to receive interstate compensation as a form of enhanced voice carryover service.² In a second order, released on July 19, 2005, the FCC approved reimbursement for two-line captioned telephone.³ In these rulings, the FCC extolled the benefits of captioned telephone service

² *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, FCC 03-190, Declaratory Ruling (August 1, 2003) (Declaratory Ruling).

³ *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Dkt No. 98-67, CG Docket No. 03-123, FCC 05-141, Order (July 19, 2005).

as “the type of advancement that the Commission contemplated when it called for innovation in TRS.”⁴ The Commission acknowledged the many advantages of this service, including its ability to operate like conventional voice telephone service, its ability to be “less intrusive and more natural for the call participants,” and its benefits in reaching segments of the population who were previously reluctant to use traditional TRS.⁵ Overall, the FCC explained that its decision to approve captioned telephone relay service was based on the belief “that captioned telephone VCO service will provide greater functional equivalence for those people who prefer VCO TRS and use this technology.”⁶ Time and experience has proven this correct for the thousands of individuals with hearing loss who have witnessed first hand the ways that captioned telephone relay service has improved their ability to communicate with others.

Currently captioned telephone relay service is provided in 35 states from a call center in Madison, Wisconsin. An additional state will be added by February 2006.⁷ All captioned telephone services are operated by CapTel, Inc., through TRS providers that include Hamilton and Sprint.⁸ Captioned telephone service is also available through the Federal Relay Service to federal employees – both current and retired – as well as veterans, U.S.

⁴ See e.g., Declaratory Ruling at ¶15, citing to NAD Comments at 1.

⁵ See e.g., Declaratory Ruling at ¶16.

⁶ Declaratory Ruling at ¶16.

⁷ New Jersey plans to begin this service on February 1, 2006.

⁸ Effective January 1, 2006, CapTel service is being provided in Arizona through MCI. In addition, the petition accurately notes that captioned telephone services are offered in Maryland and Pennsylvania, through an extended trial agreement with Ultratec.

Tribal members throughout the country, and people doing contract work for the federal government.

III. Consumer Response to Captioned Telephone Relay Service has been Extraordinarily Positive

On November 14, 2005, the FCC released a public notice requesting the general public to provide feedback on the Petitioners' request to mandate captioned telephone service and authorize IP captioned telephone relay service.⁹ The Commission has received hundreds of testimonials from current and potential captioned telephone users across the United States in support of the Petition. Those who do not yet have captioned telephone access have uniformly come forward to urge a mandate for increased deployment; those who have already experienced this service have reported the extraordinarily positive impact that captioned telephone service has had on their independence, self-confidence, job performance, and sense of safety and security.

Several of the individuals who offered their comments lost their hearing later in life. Consistently, they have described how their hearing loss presented them with new and often insurmountable barriers, largely because of their inability to converse by phone. These persons have related the ways that captioned telephone relay services are providing a critical tool for maintaining their independence and productivity. Among the many who

⁹ "Petition for Rulemaking Filed Concerning Captioned Telephone Relay Service and Authorizing Internet Protocol (IP) Captioned Telephone Relay Service," Public Notice DA 05-2961 (November 14, 2005).

have written in, three in particular who shared their experiences exemplify the advantages of captioned telephone:

“I had a successful business, was married over 20 years with 2 children when I lost my hearing almost overnight 3 years ago at the age of 42. I think the most devastating thing about losing my hearing was when I lost the ability to use the phone. At that time, I had lost the ability to communicate with people in person and the phone was my only connection to the world. . . [T]his service . . . has completely changed my life. I am now able to communicate with people in a way that I was not able to do before. It has not only made my life easier but it has brought back some independence into my life.”

-Diana Hopkins, December 12,
2005

“The CapTel telephone is the most helpful device of any kind that I have ever used for making my telephone calls. I am a late-deafened person who, in the past, depended on family, friends, and even strangers to make even my most personal calls. . . .Now that I have the captioned telephone. . . I can make a phone call to anyone and everyone and at any time in the same way as a hearing person makes a call. It is amazingly helpful to me as well as the person on the other end of the conversation. I can make emergency calls for medical help, personal calls to family and friends, and business calls to any place a hearing person can make a call... . [I]f I had to save one thing in an emergency it would be my captioned telephone.”

- Helen Rizzi, December 27,
2005

“The telephone has always made my disability more glaring than any other experience, even leaving me sick to my stomach at times. Without a doubt, the CapTel has had the greatest positive impact on my hearing life since I was given hearing aids as a child. . . . In the past, I have always had to ask my family to listen, and . . .translate for me when I made various phone calls. Now I live on my own, a decision influenced in part by the confidence CapTel gives me. I can make calls to my bank, to my doctors, even to friends.”

- Jonathan Elke, December 7,
2005¹⁰

¹⁰ See also Comments of Carolyn G. Meyer (December 1, 2005) (Captioned telephone has kept her in the ‘mainstream’ of her “community as a high functioning adult. . . . “It has restored a quality to my life that was lost when I could no longer use the phone. I can maintain my independence.”); Shirley Spease (December 21, 2005) (was without a telephone for twenty-

Many of those who commented shared their reliance on captioned telephone service as a way to maintain privacy, especially to acquire confidential medical information,¹¹ and as a lifeline to emergency services.¹² Just as importantly, people wrote in that for the first time, captioned telephone encouraged others to return their calls, enabling them to establish contact and improve communications with physicians, businesses, and service personnel.¹³

Consumers specifically wrote that they appreciate the ability of captioned telephone relay service to provide real-time conversations in both directions, without the constant reminder of third party involvement. One individual wrote, “CapTel is remarkable. It enabled me to carry on a more normal conversation, while hearing the person's voice. Captions are almost instantaneous and so I could read the text to make sure I was understanding

five years before she got a captioned telephone, but at age 77, has found this to be a “wonderful thing” for people who had to rely on others to make their calls for them: “[T]he first day I had my captioned telephone, my furnace quit and I was able to reach a repairman to come and take care of it, without having to walk to the neighbors to make the call for me.”). Similar comments, too numerous to repeat here, have poured into the FCC. See e.g., Comments of Sharon Dunn (December 2, 2005); David Ruthardt (December 2, 2005).

¹¹ See, e.g. Comments of Debbie Mohny (December 6, 2005) (“I am able to make calls to my doctor and know that I understand everything that is being said on the phone. I can have my phone messages captioned, so that I can respond within minutes instead of having to wait for someone else to listen to the message for me.”)

¹² See e.g., Comments of Andrew M. Vanyo Jr. (December 14, 2005); Larry Brick (December 5, 2005).

¹³Comments of Larry Brick (December 5, 2005) (“[W]hen asked for a number to call back, I merely give my regular phone number with full confidence that the call will be returned because I have CapTel.”) Compare with Comment of Ann Boyd (December 29, 2005) (“[G]etting the hearing public such as businesses and medical professionals such as doctors, dentists, CPAs and others to call through TRS has been extremely difficult. As a result, important notification calls and appointments needing to be rescheduled in a timely fashion are not made. Many businesses have an answering machine where you must leave a message for them to call back. More often than not, my calls will not be returned through relay even after leaving instructions.”)

accurately.”¹⁴ Another agreed, noting as well appreciation for the way that captioned telephone allowed her to hear inflections in the other person’s voice: “People I call like calls without the interference of a live operator, and I am able to hear the "tone" of the other person even though I cannot understand all the words.”¹⁵

Because call set-up for captioned telephone is invisible to both parties, the conversation that ensues during a captioned telephone call is natural and spontaneous. By enabling users to control their own conversational flow in this manner, captioned telephone offers the level of functional equivalency contemplated by the drafters of the ADA. Specifically, callers are able to simply pick up a handset, dial a number and conduct conversations the way others without hearing loss have always experienced. With the assistance of hearing aids and amplification, callers can also utilize their residual hearing to hear what they can on their own and capture the tone of the conversation.

Numerous parties wrote in with compelling stories about the ways in which captioned telephone service can end the isolation of and promote the health, safety, and self-sufficiency of senior citizens.¹⁶ One woman wrote that

¹⁴ Comments of Sandra Mazur (December 5, 2005). Mazur participated in a captioned telephone trial in New York, but later had to relinquish the phone when the state declined to provide this service. She went on to explain “Without the CapTel, I am no longer independent and my self-esteem has suffered. We need the CapTel to enhance the quality of our lives.”

¹⁵ Comments of Linda M. Webb (December 22, 2005).

¹⁶ See e.g., Comments of Dianna Attaway (December 6, 2005), who wrote that having the captioned telephone service has kept her “functional and productive.” She went on to explain “I think it's far better to 'enable' folks than to simply send them to disability lines because they are no longer able to do the jobs they once did. For the elderly, it is also an important health and safety issue.”

once her eighty-six year old mother obtained a captioned telephone device, she began communicating more with friends and family, and especially her great-grandchildren. She wrote: “This opened up a whole new world to her, changed her outlook on life and made her a much happier person. I just can't tell you how much the phone means to all of us.”¹⁷ Others shared their appreciation for the independence and dignity that captioned telephone service has brought to their children and teenagers. A father explained that he was reluctant to leave his deaf daughter alone before she had access to a telephone. Once she acquired two-line captioned telephone service, however, he acquired the confidence of knowing that she could easily summon help in the event of an emergency, as well as converse with her friends: “Suddenly she is able to do everything any other pre-teen can do.”¹⁸

Perhaps captioned telephone relay service is most useful for its ability to assist people with hearing loss in finding and maintaining gainful employment. As Americans live longer, a greater percentage will have hearing loss.¹⁹ At the same time, Americans are working longer to meet the

¹⁷ Comments of Joyce Ihnow (December 20, 2005). See also Comments of Todd Saller (December 5, 2005), who described the way that captioned telephone had given his mother-in-law a new sense of independence; Cindy Bryton (December 5, 2005), who explained that for the first time in years, she was able to communicate with her mother who participated in the Pennsylvania captioned telephone trial: “The quality of her life has improved dramatically. She is able to maintain her independence and fill all of her needs without the help of others. She is now looking for a part-time job.”

¹⁸ Comments of Terry Charles (December 6, 2005).

¹⁹ According to the U.S. Census, 42% of people aged 65-74 report having some type of disability; this number jumps to 64% for people over 75. Hearing loss is one of the most common disabilities occurring later in life.

higher costs of living, and to receive greater retirement security.²⁰ Use of the telephone during one's advanced years is, for this reason, taking on a greater importance than ever before. The FCC has previously acknowledged, "TRS is a critical tool for employment. If people with hearing and speech disabilities cannot communicate by telephone, their ability to compete and succeed in today's job market is threatened."²¹ A mandate for captioned telephone will enable older Americans to continue using the telephone so that they can remain productive in their jobs.

In their comments, a substantial number of individuals with hearing loss have implored the Commission to mandate captioned telephone relay services in order to stay in the workforce. Those who already have these services have come forward to praise its many benefits. For example, a late-deafened partner in a Chicago law firm, age 64, explained that how he needed captioned telephone in order to conduct swift communications in a business environment.²² A press secretary with profound hearing loss described her new ability (through captioned telephone relay services) to work with reporters, participate in conference calls, and "generally do my

²⁰ The percentage of older Americans remaining in the workforce has been increasing steadily since the mid-1990s. M. W. Walsh, "Reversing Decades-Long Trend, Americans Retiring Later in Life," *New York Times* (February 26, 2001), A1, A13.

²¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking*, CC Dkt. No. 98-67, FCC 00-56, 15 FCC Rcd 5140 (March 6, 2000) at ¶7. The FCC went on to note that, "[i]mproving the quality of TRS will enhance employment opportunities for people with hearing and speech disabilities and may contribute to a decrease in their unemployment rate." *Id.*

²² Comments of Paul Lurie (December 5, 2005).

job.”²³ A physician with severe hearing loss wrote how captioned telephone can “immeasurably enhance” his communication with patients.²⁴ A construction estimator and administrator called the service “invaluable,” and reported using it to regularly converse with hearing vendors, subcontractors, architects, clients and other colleagues.²⁵ And a financial executive working in higher education – whose steadily declining hearing loss resulted in premature retirement after thirty years of service – enumerated the many reasons he considered captioned telephone relay service to be the closest equivalent to conventional telephone service: both parties could still hear each other, the conversation is in real-time, the service is seamless and transparent, no one is typing, and the operator does not have a speaking role.²⁶

IV. The Need for a Captioned Telephone Mandate

It is not surprising that the many benefits of captioned telephone have made this service extremely desirable among large segments of the deaf and hard of hearing community. As the Petition notes, individuals with hearing loss that prefer to use their residual hearing, including senior citizens, children with cochlear implants, and individuals with lessened

²³ Comments of Christina Kielich (December 5, 2005).

²⁴ Comments of Paul E. Hammerschlag (December 14, 2005).

²⁵ Comments of Tom Driscoll (December 16, 2005).

²⁶ Comments of Peter C. Fackler (December 15, 2005). See also Comments of M. Andrews (December 15, 2005) (contractor on an air force base who wrote that she would not be able to do her job without captioned telephone service.); Joy U. Forbes (December 21, 2005) (a federal government worker who believes she was given a promotion as a result of using captioned telephone services.); Jerone A. Bowers (December 21, 2005) (the captioned telephone relay system “allows me to pursue dreams of being independent [and] is making it easier for me to get my startup business up and running.)

hearing who do not use hearing aids at all, are far more comfortable using a telephone service where they can speak for themselves, listen to responses, and simultaneously read what the other party is saying through captions. As noted by the many comments enumerated above, individuals who have been lucky enough to acquire this service report that they routinely depend on it for their home and business affairs, to perform job functions, to call friends after school, or to stay in touch with loved ones.

Indeed, for every individual who wrote to the FCC about the marvelous benefits they have received from captioned telephone relay service, others who were being denied this service wrote of their desire to receive its benefits. Several of these individuals expressed frustrations with not being able to carry out job functions,²⁷ losing jobs,²⁸ being passed over for promotions,²⁹ and having businesses fail.³⁰ Others talked about the isolation

²⁷ Comments of Mary Butler (December 6, 2005) ("It is very difficult to handle everyday duties in my job due to the requirement of using a telephone. . . Some of us are very smart individuals but if we can't understand conversations on the telephone, we seem very incompetent at our jobs. Please bring captioned telephone service to Tennessee."); Kurt T. Bagley (December 5, 2005) ("I am placing an undue burden on my coworkers in that they must answer the phone more often when it is technically my job to do so.")

²⁸ Comments of Julie Saputo (December 27, 2005) ([M]y self-confidence in wanting to "move up" and find a different job is extremely low, because it's hard enough for a hearing-impaired person to acclimate herself to a new work environment, but the shame in having to explain to your new boss and clients that you are basically useless on the phone is extremely discouraging.")

²⁹ Comments of Nancy Rosel Brown (December 23, 2005) ("My hearing loss is too severe to use the conventional telephone. . . Inaccessibility to the telephone has crippled my ability to succeed in the workplace despite a strong work ethic and a college degree.")

³⁰ Comments of Roz Cohen (December 27, 2005). In describing her husband's situation, a 58 year old man with sudden hearing loss, Cohen wrote, "[h]e lives in fear of losing his business and having to be forced into retirement which we can ill afford now with a child entering college in 2007."); See also Comments of Andrew M Vanyo, Jr. (December 14, 2005) (a fire protection engineer who queried, "[D]o I need go to the expense of moving to get a product that will contribute to my life and [sprinkler] business just because I live in the wrong state?")

caused by not having telephone access,³¹ the fears of not being without communication in the event of an emergency,³² and the hazards of not being able to effectively communicate with medical personnel.³³

One professional, 62-years-old and a mother to five, wrote of her progressive hearing loss since age 35. She explained that both her employment and her self-esteem has “been seriously jeopardized during the past 15 years.” She was finally able to reverse this trend during her participation in a captioned telephone trial: “This is the only system that I was able to use consistently to communicate with business contacts, work colleagues, friends, and far-flung family members.”³⁴ But she explained that captioned telephone service is no longer available to her.

The ADA’s Senate Report makes clear that passage of Title IV of the ADA was designed to create uniformity in the availability and quality of TRS across the nation:

Although a number of states have mandated statewide relay systems, the majority of states have not done so. Moreover, the systems that do

³¹ See Comments of Larry Small (December 7, 2005), who explained that he was only able to talk to his 93 year old hard of hearing mother a few minutes each week because she lives in a state without captioned telephone and cannot understand him over the phone. He added, “My children are reluctant to call her at all because they literally have to yell into the phone;” Nancy Rosel Brown (December 23, 2005), who wrote, “[i]t has . . . created isolation from my family across the miles because we do not talk on the phone anymore. . . . This service is unavailable in my home state of Alaska.”

³² One woman who described herself as having “several disabling conditions” wrote that she cannot communicate with her sister in the event of an emergency because she lives in a state that does not have captioned telephone. Comments of Christine Croteau (December 6, 2005).

³³ See e.g., Comments of Pamela Foody (December 12, 2005) (A hard of hearing RN who is losing her hearing progressively wrote, “Taking telephone orders from an MD for drug doses is increasingly difficult for me to do safely.”)

³⁴ Comments of Mary Jo Harvey 12/16 (December 16, 2005). See also Comments of Betty L. McFarland (December 15, 2005); Stacey Shub (December 2, 2005); Ann Rodgers (December 2, 2005)

exist vary greatly in quality and accessibility. The Committee finds that to ensure universal service to this population of users, service must be made uniformly available on a local, intrastate, and interstate basis. . . . It is essential to this population's well-being, self-sufficiency and full integration into society to be able to access the telecommunications network and place calls nationwide without regard to geographic location.³⁵

When the ADA's drafters created the relay service mandates, they spoke of universal telephone service for all. Title IV itself incorporates the FCC's universal service obligation: "In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired, and speech-impaired individuals in the United States."³⁶ Everything about this statement heralds a telephone system that is equally accessible to all. Yet without a mandate for captioned telephone relay service, the delays in acquiring access – and in many instances, the complete denial of that access – are likely to continue.

- 1. A mandate for captioned telephone service will guarantee that sufficient funding is available.**

Although captioned telephone has proven itself to be the only service which is functionally equivalent to voice telephone service for many individuals, it is not universally available. One of the key elements in the

³⁵ S. Rep. No. 116, 101st Cong., 1st Sess. 79 (1989).

³⁶ 47 U.S.C. §225(b)(1).

availability (or lack) of captioned telephone service has been that it is *not* currently required and therefore all funding for this service is *discretionary* on the part of each state or agency. While many state relays may well have wanted to offer captioned telephone service to their community, the current economic limitations on virtually all phases of government and industry have made the funding of a discretionary service such as captioned telephone incredibly difficult. Ultratec would like to acknowledge and applaud those state public utilities commissions and agency administrators who have chosen to offer captioned telephone service to their constituents, even though in many cases they had to make enormous efforts to secure the necessary funding. Were it not for these thoughtful, tenacious people, captioned telephone might well be even further from the reach of the deaf and hard of hearing communities.

Unfortunately, even with the limited funding that has been secured for captioned telephone service, there have been disincentives for TRS providers to make investments in the service. First, funding limitations that have resulted in restrictions in the amount of captioned telephone service that can be provided have in turn negatively affected the size and efficiency of the call centers needed to provide the service. This is one of the primary reasons that there is currently only one captioned telephone call center serving the entire nation. Second, TRS providers must exercise due diligence when investing in TRS call centers and equipment. Captioned telephone is a new technology

that requires a whole new class of operator workstations and a new platform infrastructure. Investing in new captioned telephone service call centers requires a stable, long term source of funding. Unless this service is mandated and a stable source of funding is guaranteed, states and TRS providers will remain without the ability to make this service universally available nationwide.

2. A captioned telephone service mandate will stimulate innovation, increase choices and variety, and encourage competition.

Nothing stimulates competition like opportunity. With the huge potential population of users who could benefit from captioned telephone relay service, a market for this service exists which is basically untapped at this time. A mandate would open this market, guarantee funding for the service, and encourage other organizations to enter the market with competitive technologies and services.

Services like captioned telephone call upon a variety of modern technologies and know-how, which take significant effort, time, and money to develop and deploy. Without a mandate, it is likely that few, if any, organizations would risk entering a market like this. Currently the market is small and unstable, and already has service providers with sufficient capability to meet current and foreseeable demand (given the present restricted funding conditions). In order to stimulate competition, there must be a mandate that will both ensure sufficient funding and the availability of this service on a universal basis to all who need it. Only in such an

environment will companies be willing to invest in the technologies and products that will allow them to participate and compete. With a mandate in place, companies will have the incentives to invest in captioned telephone service where new innovations, products and services, and competitive prices will find fertile ground to take root and grow.

3. A captioned telephone relay service mandate is needed even if Internet-based captioned telephone relay service is approved

It is important to note that even if the FCC approves IP captioned telephone relay service, a nationwide mandate for these services over the PSTN will also be necessary. There are two reasons for this. First, many individuals who need captioned telephone are older Americans who may not have the inclination, the skills, nor the resources to use computers or other Internet-enabled devices. State-operated captioned telephone relay services that deliver services via the PSTN may be the only practical option for these individuals. Second, the FCC still has an open proceeding on the extent to which states will be required to share in the funding of Internet-based services.³⁷ If these costs are ultimately shifted in total or even in part to the

³⁷ See *Telecommunications Relay Services and Speech to Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking*, CC Dkts. 90-571, 98-67, 03-123, FCC 04-137, 19 FCC Rcd 12475 (June 30, 2004), ¶¶220-230; 241-242, asking whether Internet and VRS costs should be partially allocated to the states based on a fixed allocator or registration through mandatory customer profiles.

states, those jurisdictions may remain unable to secure necessary funding to provide captioned telephone relay services without a mandate.

V. Captioned Telephone is an Efficient and Economical Relay Service.

The features of captioned telephone relay service make it a highly economical form of relay service from both a time and a cost perspective. Because captioned telephone calls are transparent with a completely automated call set-up, they take less time to complete than do traditional text-assisted relay calls. The use of voice recognition also greatly increases the speed of transcription, allowing the participants to convey a greater amount of information in a shorter time. Finally, because both parties are talking and no one is typing, all parts of the conversation take place at voice speeds rather than typing speeds.

For the above reasons, a captioned telephone call takes about half the time of a VCO call of the same content. The average captioned telephone call takes just under three minutes compared with over five minutes for a typical traditional text-assisted relay call. Less time per call means less money and greater efficiency per call for both the relay service and all participants to the call. In the case of a long distance call, it also means that the user (or the inbound caller) is paying less in long distance charges.

Users are also able to complete captioned telephone calls to automated and interactive systems without making repeat calls to those systems. Specifically, because of its ability to transmit communication in real-time,

captioned telephone offers a way for relay users to receive the text of voice recordings, make appropriate menu selections, and leave voice messages, all in the same call. In addition, as noted by Dana Mulvany, an advocate with hearing loss, two-line captioned telephone offers the added feature of allowing a user to simply turn off captions when they are not needed, even in the middle of a call. When a caller is put on hold by service personnel for extended periods, this unique feature can significantly reduce relay costs. Mulvany explains: “One unfortunate drawback of using any [traditional] relay service that cannot be engaged or disengaged upon demand is that when the user is put on hold for an indefinite period of time, the relay service is still engaged and is presumably still being paid, which is an inefficient and costly use of the relay service.”³⁸

1. The per-minute cost of captioned telephone service is nearly that of traditional TRS.

Presently, it is important to note, the cost per minute for captioned telephone service is very nearly equal to the average rates paid by states for traditional TRS, a twenty-five year old technology with billions of minutes of traffic already logged to pay for development, telephony equipment, and software platforms. Traditional TRS also has economies of scale which yield higher production efficiencies than the single captioned telephone call center (which currently supplies all captioned telephone service nationwide).

³⁸ Comments of Dana Mulvany (December 30, 2005).

While there is currently only one technology provider of captioned telephone relay service, nothing in the history of this service would suggest that the charges for this service have ever or will be unreasonable. Past practice contradicts this suggestion; interstate pricing set by the National Exchange Carriers Administration (NECA) and the FCC has consistently set the captioned telephone relay service rate to coincide with the rate for traditional TRS text-based relay services (currently the lowest of all TRS rates).³⁹ Again, while individual captioned telephone rates vary across the states, typically these rates are in line with the average of traditional text-based TRS rates.

Under FCC rules, TRS providers may only be compensated after they have provided to NECA “true and accurate data” on their minutes of use and operating expenses.⁴⁰ After receiving this data, NECA is permitted to distribute fund payments that “compensate TRS providers for *reasonable costs* of providing interstate TRS.”⁴¹ To date, there have not been any unfair charges assessed for captioned telephone service; FCC rules guiding TRS reimbursement ensure that there never will be.

2. The cost of captioned telephone end user equipment is similar to that of equipment used for traditional relay services.

The retail price for a captioned telephone device, though currently more expensive to manufacture because of its greater complexity and very

³⁹ Captioned telephone relay service rates remain lower than speech-to-speech and video relay service rates.

⁴⁰ 47 C.F.R. §64.604(c)(5)(iii)(C).

⁴¹ 47 C.F.R. §64.604 (c)(5)(iii)(E) (emphasis added).

low manufacturing volumes than a printing TTY, has intentionally been *kept down* so that it can approximate the cost of a TTY. The current price will likely be driven down even further if the demand for these devices increases significantly pursuant to a mandate for captioned telephone service. At present, the budgetary limitations which states have been forced to place on captioned telephone services have resulted in relatively small demand for the production and distribution of these devices. A mandate would significantly accelerate this demand and would very likely result in a greater variety of captioned telephone devices becoming available from vendors at lower prices.

VI. The Technologies and Software Platforms Capable of Handling an Increased

Demand for Captioned Telephone Services are Already Being Developed.

In the event that a nationwide roll out of captioned telephone service is required, there will need to be expanded software and telephony service delivery platforms available to support multiple call centers. Such service delivery platforms are already currently in development at Ultratec and are expected to be ready for deployment shortly. The new multi-center platforms will add redundancy, expansion capabilities, and diversity for the key telecommunications gear, telecommunication networks, and computing equipment needed to deliver this service. The expanded system is being designed to support many call centers in various locations that will meet or exceed the Commission's minimum TRS standards. Ultratec has plans for the new multi-center platform systems and an additional call center to be in

place in the spring of 2006. Ultratec is also prepared to handle a significant increase in the demand for captioned telephone equipment, and has several new captioned telephone devices currently in development that, in addition to the existing models, will provide users with more choices and feature mixes.

VII. Conclusion

The FCC has now heard first hand from individuals whose lives have been gravely affected by a lack of telephone access. These individuals have told the Commission that their well-being and livelihoods depend in part on captioned telephone relay service being made available nationwide. A mandate for providing captioned telephone service as a standard part of TRS nationwide would make this technology uniformly available to all Americans and fulfill the intent of the ADA to ensure these individuals telephone service that is functionally equivalent to conventional voice telephone service. For the reasons stated herein and in the Petition filed by 33 national and local consumer organizations, Ultratec respectfully urges the FCC to promptly initiate a rulemaking to mandate captioned telephone relay service and to respond to Ultratec's separately-filed request for an expedited ruling to approve IP captioned telephone service.

Respectfully submitted,

/s/
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A handwritten signature in cursive script that reads "Karen Peltz Strauss".

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